

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| In re: | : | Chapter 9 |
| | : | |
| CITY OF CHESTER, PENNSYLVANIA | : | Case No. 22-13032-amc |
| | : | |
| Debtor. | : | Related to Docket No. 10 |
| | : | |

AMENDED PROPOSED ORDER

AND NOW, this __ day of December, 2022, upon consideration of the City of Chester’s Motion for Entry of an Order (I) Appointing a Judicial Mediator, (II) Referring Certain Matters to Mandatory Mediation and (III) Granting Related Relief [Docket No. 16] (“Mediation Motion”) and the Motion of Aqua Pennsylvania, Inc. for Relief from Automatic Stay pursuant to § 362, to allow the appeal and cross-appeal pending before the Supreme Court of Pennsylvania at Consolidated Appeal Nos. 46-47 & 49 MAP 2022, No. 48 MAP 2022, Nos. 50-51 & 53 MAP 2022 and 52 MAP 2022 [Docket No. 65] (“the Supreme Court Matter”), and Aqua Pennsylvania, Inc.’s equitable interest in the assets of the Delaware County Regional Water Quality Control Authority (“DELCORA”) it is hereby

ORDERED that in the event the Mediation Motion is granted, Aqua Pennsylvania, Inc. shall be permitted to participate substantively in that Mediation with regard to the Supreme Court Matter and all issues relating to DELCORA.

BY THE COURT:

, Bankruptcy Judge

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**SUPPLEMENT TO ANSWER OF AQUA PENNSYLVANIA, INC. TO THE CITY
OF CHESTER'S MOTION FOR ENTRY OF AN ORDER (I) APPOINTING A
JUDICIAL MEDIATOR, (II) REFERRING CERTAIN MATTERS TO
MANDATORY MEDIATION AND (III) GRANTING RELATED RELIEF**

Aqua Pennsylvania, Inc. files this supplement to its Answer to Debtor's Mediation Motion [Docket No. 97]. In its initial response, Aqua set forth the basis for Aqua's inclusion at any scheduled Mediation and the reasons it should be permitted to participate substantively in that Mediation with regard to the Supreme Court Matter. This Supplement is intended to request Aqua's participation in any Mediation to the extent that the Mediation focuses on the assets of DELCORA. Debtor's Mediation Motion, at paragraph 16, specifically seeks to include to DELCORA as a mediating party. Indeed, paragraph 24 of Debtor's Mediation Motion contends that the Debtor's interests in those sewage assets represent potential value that could assist the City in its restructuring efforts and that resolution of the proposed sale by DELCORA of the sewage assets to Aqua are components of the City's efforts to confirm a Plan.

Since 2019, Aqua has been a party to a fully executed Agreement of Sale with DELCORA to acquire DELCORA's wastewater system, and this sale is currently pending before the Pennsylvania Public Utility Commission. Pursuant to Local Bankruptcy Rule 9019-3(I), the Court may direct that additional parties participate in the mediation. It is respectfully requested that any order to mediate any issues relating to DELCORA include Aqua, given Aqua's significant interest in the issues to be mediated.

WHEREFORE, Aqua Pennsylvania, Inc. respectfully requests that Aqua be permitted to participate substantively in any Mediation involving issues related to DELCORA.

Respectfully submitted,

LAMB McERLANE PC

Dated: December 13, 2022

BY: /s/ Guy A. Donatelli
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PROOF OF SERVICE

The undersigned hereby certifies that I caused a copy of the foregoing to be served on all counsel of record via the Court's electronic filing system and upon the following via First Class Mail:

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Date: 12/13/2022

Respectfully submitted,

Lamb McErlane PC

/s/ Guy A. Donatelli

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